



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-97-3276**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Harlequin Air Corporation**

**Date Filed: December 22, 1997**

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in charter foreign air transportation of persons, property and mail between Japan and the United States; and other charters in accordance with Part 212 of the Department's rules.

If renewal, date and citation of last action: New

Applicant representative: Anne D. Smith (202) 626-3600

Responsive Pleadings: On January 6, 1998, the State of Hawaii filed an answer in support of Harlequin's request. No other answers were filed.

#### **DISPOSITION**

**Action: Approved**

**Action date: February 3, 1998**

Effective dates of authority granted: February 3, 1998-February 3, 1999

Basis for approval (bilateral agreement/reciprocity): 1998 Memorandum of Consultations between the United States and Japan (1998 MOC).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is subject to the terms of the 1998 MOC, and is subject to the condition that Harlequin Air shall not perform any Third or Fourth Freedom charters unless specific authority in the form of a statement of authorization for such charter(s) has been granted by the Department (Fifth Freedom charters are already subject to prior approval under section 212.4). Harlequin Air shall file applications for such statements of authorization at least 30 calendar days before the charter(s) involved, pursuant to the procedures set forth in 14 CFR § 212.5; provided, that applications involving all-cargo charters may be filed up to ten calendar days before the flight(s). (Under § 212.6(c), we need not submit denials of such late filed applications for Presidential review.)

(over)

We found that Harlequin Air is financially and operationally qualified to perform the services authorized above. We also found that Harlequin Air is substantially owned and effectively controlled by citizens of Japan. Harlequin Air is a privately owned corporation. All of its officers and key management personnel are Japanese nationals. The applicant is properly licensed by its government to perform the services at issue here.

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

